

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MICHAEL DONOVAN,

Case No. 3:20-cv-00680-MMD-WGC

Petitioner,

v.

ORDER

PERRY RUSSELL, *et al.*,

Respondents.

Petitioner Michael Donovan is a Nevada state prisoner who has filed a petition for writ of habeas corpus under 28 U.S.C. § 2254 seeking “home or off-site confinement until [he] can receive the COVID-19 vaccination.” (ECF No. 1.) He alleges in his petition that his incarceration by the Nevada Department of Corrections at the Northern Nevada Correctional Center constitutes cruel and unusual punishment in violation of his rights under the Eighth Amendment. (*Id.*) In particular, he claims his continued incarceration under current conditions presents an unacceptable risk to his health given his age (62 years old), his underlying health conditions (diabetes and high blood pressure), and a recent COVID-19 outbreak at a similar facility (Warm Springs Correctional Center). (*Id.*)

Having considered the petition under Habeas Corpus Rule 4, the Court has concerns regarding the procedural viability and merits of the petition. Even so, the petition warrants service on the Respondents and an expedited response.

It is therefore ordered that that the Clerk of Court electronically serve the petition and a copy of this order on the Respondents.

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1 It is further ordered that the Clerk of Court add Aaron D. Ford, Attorney General of
2 the State of Nevada, as counsel for Respondents.

3 It is further ordered that Respondents will have 10 days from the date of entry of
4 this order to appear in this action and to answer or otherwise respond to the petition.
5 Petitioner will then have five days to file a reply.

6 DATED THIS 8th Day of December 2020.

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9 MIRANDA M. DU
10 CHIEF UNITED STATES DISTRICT JUDGE
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